



NO. 106747-86

WELLS FARGO BANK, NA

Plaintiff

**v.
JUDICIAL DISTRICT**

JOSE CASTANEDA

Defendant

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IN THE DISTRICT COURT

86TH JUDICIAL DISTRICT

**KAUFMAN COUNTY,
TEXAS**

DEFENDANT'S ORIGINAL ANSWER

NOW COMES Jose Castaneda ("Defendant") and file this *Original Answer* in response
Wells Fargo Bank, NA ("Plaintiff") *Original Petition*.

I.

GENERAL DENIAL

1. Defendant denies generally the allegations contained in Plaintiff's *Original Petition* and demand strict proof thereof as required by Tex. R. Civ. P. 92.

II.

AFFIRMATIVE DEFENSES

2. Plaintiff's Original Petition is barred by an arbitration agreement.
3. Defendant is not liable to Plaintiff because Plaintiff lacks standing to sue.
4. Defendant is not liable to Plaintiff because Plaintiff was not a party to the original transaction.
5. Defendant is not liable to Plaintiff because Plaintiff's claim for breach of contract is barred by the four-year statute of limitations.
6. Defendant is not liable to Plaintiff for the amount of damages claimed because Defendant is entitled to offset.

7. Defendant is not liable to Plaintiff because the agreement does not comply with the requirements of the statute of frauds.

JURY DEMAND

8. Defendant demands a jury trial and shall tender the appropriate jury fee within the time and procedures prescribed under Tex. R. Civ. P. Rule 504.1.

WHEREFORE, PREMISES CONSIDERED, Defendant Jose Castaneda prays that Plaintiff takes nothing by its suit, and such other relief to which Defendant may be entitled.

DATED: January 29, 2021

Respectfully submitted,

By: /s/ Shawn Jaffer

Shawn Jaffer

State Bar No.24107817

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded on

January 29, 2021 to:

VIA EMAIL:

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By: /s/ Shawn Jaffer
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